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PATENT

ATTORNEY DOCKET: 62732.000105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/591,500 Confirmation No.: 1642  
Applicant : Gary R. PASTERNAK et al.  
Filed : June 12, 2000  
Title : GENE FAMILY WITH TRANSFORMATION MODULATING  
ACTIVITY  
TC/Art Unit : 1642  
Examiner: : Misook Yu  
  
Docket No. : 62732.000105  
Customer No. : 21967

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, and in compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, applicants are submitting herewith copies of the references listed on the attached Form PTO-SB/08A (modified) for consideration and to be made of record herein by the U.S. Patent and Trademark Office in the above-captioned application.

Applicants also wish to bring to the Examiner's attention the following published co-pending U.S. Patent Application:

U.S. Patent Application Serial No. 10/273,334, filed October 18, 2002,  
U.S. Patent Application Publication No. US20030129631,  
Inventors - Pasternack *et al.*

A copy of the co-pending patent application publication is provided herewith.

Applicants also provide herewith for the Examiner's consideration copies of the International Search Report dated 07/02/1999 for International Application No. PCT/US98/26433 and the International Preliminary Examination Report for PCT/US98/26433. An indication of consideration of the co-pending published patent application, the International

Search Report and the International Preliminary Examination Report by the Examiner would be appreciated.

This Information Disclosure Statement (IDS) is not to be construed as a representation that a search has, or has not, been conducted or that no better art exists. The filing of this IDS is not to be construed as admission that the information cited in the IDS is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). In considering the cited references, it may be noted by the Examiner that certain of the references may contain markings, underlinings, and/or other notations. These markings, underlinings, and/or other notations are not to be construed as drawing the Examiner's attention either to selected parts or away from other parts of the cited references. Any such markings were either present on the copies of the cited references obtained by the associated individuals, or were made thereon during the study of the references by the associated individuals.

Consideration of the foregoing plus the prompt return of a copy of the enclosed Form SB/08A with the Examiner's initials in the left column in accordance with MPEP 609 are respectfully requested.

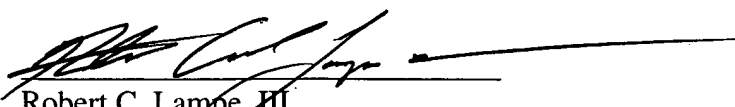
In accordance with 37 C.F.R. § 1.97(b), this Second Supplemental Information Disclosure Statement is believed to be submitted prior to issuance of a first Office Action after the filing of the RCE under 37 C.F.R. § 1.114. Therefore, it is respectfully submitted that no additional fee is required for consideration of this information. However, in the event any fee is deemed necessary, the Commissioner is authorized to charge the undersigned's Deposit Account No. 50-0206. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

Dated: October 14, 2004

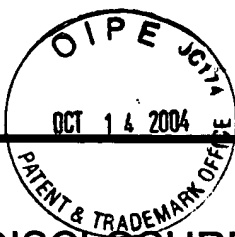
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First Named Inventor	Gary PASTERNAK et al.
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Examiner Name	Misook Yu

Sheet	1	of	9	Attorney Docket Number	62732.000105
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**U.S. PATENT DOCUMENTS**

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1.	US 4874845	10-17-1989	Saito et al.	
	2.	US 4889818	12-26-1989	Gelfand et al.	
	3.	US 5200313	04-06-1993	Carrico	
	4.	US 5527884	06-18-1996	Russell et al.	
	5.	US 5756676	05-26-1998	Pasternack	
	6.	US 5874234	02-23-1999	Pasternack	
	7.	US 6040173	03-21-2000	Pasternack	
	8.	US 20030129631	07-10-2003	Pasternack et al	

**FOREIGN PATENT DOCUMENTS**

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		Country Code:	Number - Kind Code (if known)				YES	NO
	9.	WO	99/29906	06-17-1999	Pasternack et al.		<input type="checkbox"/>	<input type="checkbox"/>
	10.	WO	92/02554	02-20-1992	Pasternack		<input type="checkbox"/>	<input type="checkbox"/>
	11.	EPO	0375408	06-27-1990	Hogan et al		<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>

**NON-PATENT LITERATURE DOCUMENTS**

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			YES	NO

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Sheet 2 of 9

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			YES	NO
	12.	(ABSTRACT) ANDERSON et al., <i>"Tissue Specific Isoforms of Erythroid Protein 4.1,"</i> Spectrin-Associated Proteins, item no. 2032, J. Cell Biol., 103: page 542a.		
	13.	(ABSTRACT) PASTERNAK et al., <i>"Protein 4.1 as a Myosin Binding and Modulating Protein: Insights into a new functional class of proteins,"</i> Cellular and Molecular Biology of Normal and Abnormal Erythroid Membranes, J. Cell Biochem., Suppl. 13, Part B, pp 209		
	14.	KRAUSS et al., "Structural protein 4.1 is located in mammalian centrosomes," Proc. Natl. Acad. Sci. USA 94: 7297-7302 (1997), the National Academy of Sciences.		
	15.	CHEN, et al., 1989, "Phosphorylation of Retinoblastoma Gene Product is Modulated During the Cell Cycle and Cellular Differentiation," Cell, 58:1193-1198, Cell Press.		
	16.	COOPER, et al., "RB and the Cell Cycle: Entrance or Exit?" 1989, Cell, 58:1009-1011, Cell Press.		
	17.	FEUERSTEIN, et al., 1988, "The Nuclear Matrix Protein, Numatrin (B23), Is Associated With Growth Factor-Induced Mitogenesis in Swiss 3T3 Fibroblasts and with T Lymphocyte Proliferation Stimulated by Lectins and Anti-T Cell Antigen Receptor Antibody," J. Cell Biol., 107:1629-1642, the Rockefeller University Press.		
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	19.	GOMEZ-MARQUEZ, et al., 1989, "The Expression of Prothymosin $\alpha$ Gene in T Lymphocytes and Leukemic Lymphoid Cells Is Tied to Lymphocyte Proliferation," J. Biol. Chem., 264:8451-8454, The American Society for Biochemistry and Molecular Biology, Inc.		

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Sheet 3 of 9

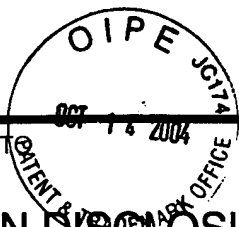
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			YES	NO
	20.	MORLA, et al., 1989, "Reversible Tyrosine Phosphorylation of cdc2: Dephosphorylation Accompanies Activation During Entry into Mitosis," Cell, 58:193-203, Cell Press.		
	21.	SHAWVER, et al., 1989, "Platelet-Derived Growth Factor Induces Phosphorylation of a 64-kDa Nuclear Protein," J. Biol. Chem., 264:1046-1050, the American Society for Biochemistry and Molecular Biology, Inc.		
	22.	TAN, et al., 1987, "Autoantibody to the Proliferating Cell Nuclear Antigen Neutralizes the Activity of the Auxiliary Protein for DNA Polymerase Delta," Nucleic Acids Res., 15:9299-9308, IRL Press Limited, Oxford, England.		
	23.	WHELLY, et al., 1977, "Relationship Between Cell Proliferation, Chromatin Template Activity And Accumulation of Nuclear Proteins," Cell Biol. Int. Rep., 1:13-21.		
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	25.	ACKERMAN, et al., 1989, "Regulation of Casein Kinase II Activity by Epidermal Growth Factor in Human A-431 Carcinoma Cells," J. Biol. Chem., 264:11958-11965, the American Society for Biochemistry and Molecular Biology, Inc.		
	26.	DUCEMAN, et al., 1981, "Activation of Purified Hepatoma RNA Polymerase I by Homologous Protein Kinase NII, " J. Biol. Chem., 256:10755-10758.		
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	30.	KLARLUND, et al., 1988, "Insulin-Like Growth Factor I and Insulin Rapidly Increase Casein Kinase II Activity in BALB/c 3T3 Fibroblasts," J. Biol. Chem., 263:15872-15875, the American Society for Biochemistry and Molecular Biology, Inc.		

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Sheet 4 of 9

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			YES	NO
	31.	MATTHEWS, et al., 1984, "Nuclear Protein Kinases," Mol. Cell. Biochem., 59:81-99, Martinus Nijhoff Publishers, Boston, Mass., Printed in the Netherlands.		
	32.	PFAFF, et al., 1988, "Casein Kinase II Accumulation in the Nucleolus and Its Role in Nucleolar Phosphorylation," Biochem. Biophys. Acta, 969:100-109, Elsevier Science Publishers B.V.		
	33.	SOMMERCORN, et al., 1987, 1 "Activation of Casein Kinase II in Response to Insulin and to Epidermal Growth Factor," Proc. Natl. Acad. Sci., USA, 84:8834-8838.		
	34.	STETLER, et al., 1982, "Phosphorylation of Deoxyribonucleic Acid Dependent RNA Polymerase II by Nuclear Protein Kinase NII: Mechanism of Enhanced Ribonucleic Acid Synthesis," Biochemistry, 21:3721-3728, American Chemical Society.		
	35.	WALTON, et al., 1985, "Phosphorylation of High Mobility Group Protein 14 by Casein Kinase II," J. Biol. Chem., 260:4745-4750, the American Society of Biological Chemists, Inc.		
	36.	ELIYAHU, et al., 1989, "Wild-Type p53 Can Inhibit Oncogene-Mediated Focus Formation," Proc. Natl. Acad. Sci., USA, 86:8763-8767.		
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	38.	LAND, et al., 1983, "Tumorigenic Conversion of Primary Embryo Fibroblasts Requires At Least Two Cooperating Oncogenes," Nature, 304:596-602, Macmillan Journals Ltd.		
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Sheet 5 of 9

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			YES	NO
	42.	YEHIELY, et al., 1992, "The Gene for the Rat Heat-Shock Cognate, hsc 70, Can Suppress Oncogene-Mediated Transformation," Cell. Growth Diff., 3:803-809.		
	43.	ALNEMRI, et al., 1992, "Overexpressed Full-Length Human BCL2 Extends the Survival of Baculovirus-Infected Sf9 Insect Cells," Proc. Natl. Acad. Sci., USA, 89:7295-7299.		
	44.	BUTTYAN, R., 1991, "Genetic Response of Prostate Cells to Androgen Deprivation: Insights Into the Cellular Mechanism of Apoptosis," in Apoptosis: The Molecular Basis of Cell Death, J. Inglis, et al, eds., Cold Spring Harbor, NY: Cold Spring Harbor Laboratory Press, pp. 157-173.		
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	49.	MARTIN, et al., 1994, "Dicing With Death: Dissecting the Components of the Apoptosis Machinery," Trends Biochem. Sci., 19:26-30.		
	50.	WAGNER, et al., 1993, "Myc-Mediated Apoptosis is Blocked By Ectopic Expression of Bcl-2," Mol. Cell. Biol., 13:2432-2440, American Society for Microbiology.		
	51.	BRIGGS, et al., 1992, "Nuclear Morphometry for Prediction of Metastatic Potential in Early Squamous Cell Carcinoma of the Floor of the Mouth," Arch. Otolaryngol Head. Neck. Surg., 118:531-533.		
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	53.	DIAMOND, et al., 1982 "A New Method To Assess Metastatic Potential of Human Prostate Cancer: Relative Nuclear Roundness," J. Urol., 128:729-734, the Williams & Wilkins Co., Printed in the U.S.		
	54.	DIAMOND, et al., 1982, "Computerized Image Analysis of Nuclear Shape as a Prognostic Factor for Prostatic Cancer," The Prostate, 3:321-332, Alan R. Liss, Inc.		
	55.	DRESCHER, et al., 1993, "Prognostic Significance of DNA Content and Nuclear Morphology in Borderline Ovarian Tumors," Gynecol. Oncol., 48:242-246, Academic Press Inc.		
	56.	EPSTEIN, et al., 1984, "Nuclear Roundness Factor. A Predictor of Progression in Untreated State A2 Prostate Cancer," Cancer, 54:1666-1671.		
	57.	FLEMING, et al., 1990, "Image Analysis Cytometry of Dysplastic Nevi," J. Invest. Dermatol., 95:287-291, the Society for Investigative Dermatology, Inc.		
	58.	GALERA-DAVIDSON, et al., 1990, "Cytophotometric DNA Measurements in Medullary Thyroid Carcinoma," Cancer, 65:2255-2260.		
	59.	HILL, et al., 1989, "The Proportion of Stem Cells in Murine Tumors," Int. J. Radiat. Oncol. Biol. Phys., 16:513-518, Pergamon Press Inc., Printed in the U.S.		
	60.	MURPHY, et al., 1990, "Nuclear Shape Analysis for Assessment of Prognosis in Renal Cell Carcinoma," J. Urol., 143:1103-1107, American Urological Association, Inc.		
	61.	PARTIN, et al., 1990, "Nuclear Morphometry as a Predictor of Response to Therapy in Wilms Tumor: A Preliminary Report," J. Urol., 144:952-954, American Urological Association, Inc.		
	62.	PIENTA, et al., 1991, "Correlation of Nuclear Morphometry with Progression of Breast Cancer," Cancer, 68:2012-2016.		
	63.	RICKAERT, et al., 1992, "Computerized Morphonuclear Characteristics and DNA Content of Adenocarcinoma of the Pancreas, Chronic Pancreatitis, and Normal Tissues: Relationship with Histopathologic Grading," Hum. Pathol., 23:1210-1215, W.B. Saunders Co.		

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	64.	VAN ETEN, et al., 1989, "The Mouse Type IV c-abl Gene Product Is a Nuclear Protein, and Activation of Transforming Ability is Associated with Cytoplasmic Localization," Cell 58:669-678, Cell Press.		
	65.	WEGER, et al., 1992, "Morphometry and Prognosis in Cancer of the Pancreatic Head," Pathol. Res. Pract., 188:764-769, Gustav Fischer Verlag, Stuttgart.		
	66.	ANDERSON, et al., 1988, "Tissue-Specific Analogues of Erythrocyte Protein 4.1 Retain Functional Domains," J. Cell. Biochem., 37:269-284, Alan R. Liss, Inc.		
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	72.	CONSTANTINESCU, et al., 1986, "Immunological Detection of An Analogue of the Erythroid Protein 4.1 In Endothelial Cells," Cell Biol. Intl. Rept., 10:861-868.		
	73.	CORREAS, Isabel, 1991, "Characterization of Isoforms of Protein 4.1 Present in the Nucleus," Biochem. J., 279:581-585, Printed in Great Britain.		
	74.	DAVIES, et al., 1985, "Platelets Contain Proteins Immunologically Related to Red Cell Spectrin and Protein 4.1," Blood, 65:52-59, Grune & Stratton Inc.		
	75.	DE CESARIS, et al., 1989, "Spectrin, Fodrin and Protein 4.1-Like Proteins In Differentiating Rat Germ Cells," Differentiation, 41:216-222, Springer-Verlag.		

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	76.	GOODMAN, et al., 1984, "Identification and Location of Brain Protein 4.1," Science, 224:1433-1436.		
	77.	SPENCER, et al., 1990, "Membrane Skeleton Protein 4.1 in Developing Xenopus: Expression In Postmitotic Cells of the Retina," Developmental Biology, 139:279-291, Academic Press Inc.		
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	79.	STEVENSON, et al., 1989, "Fodrin and Band 4.1 in a plasma Membrane-Associated Fraction of Human Neutrophils," Blood, 74:2136-2143, Grune & Stratton Inc.		
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EXAMINER SIGNATURE

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)*

Application Number	09/591,500
Filing Date	June 12, 2000
First Named Inventor	Gary PASTERNAK et al.
Art Unit	1642
Examiner Name	Misook Yu
Attorney Docket Number	62732.000105

Sheet 9 of 9

**NON-PATENT LITERATURE DOCUMENTS**

*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	TRANSLATION	
			YES	NO
	87.	ATCC/NIH Repository Catalogue of Human and Mouse DNA/Probes and Libraries, Eighth Edition, pp. 1-58 and 63-70, 1994		
	88.	(ABSTRACT) PASTERNAK et al., "Murine Lymphocytes Express a Novel Form of Protein 4.1", Spectrin-associated Proteins, J. Cell Biol., 103: pp. 543a, item no. 2035		
	89.	(ABSTRACT) PASTERNAK et al., "Cycle-Dependent Variation in the Localization of a Protein Related to Protein 4.1", Nuclear Matrix and Other Proteins, J. Cell Biol., 105: pp. 71a, item no. 392		
	90.	(ABSTRACT) PASTERNAK et al., "Characterization of a Protein 4.1 Analog from Murine B Lymphocytes", Membrane-Mediated Cytotoxicity, J. Cell Biochem., Suppl. 10, Part B, pp. 97, item no. G143		
	91.	JASKULSKI, et al., 1988, "Regulation of the Proliferating Cell Nuclear Antigen Cyclin and Thymidine Kinase mRNA Levels by Growth Factors," J. Biol. Chem., 263:10175-10179, the American Society for Biochemistry and Molecular Biology, Inc.		
	92.	KRAUSS, et al., "Structural Protein 4.1 in the Nucleus of Human Cells: Dynamic Rearrangements during Cell Division," J. Cell Biol., 137:275-289, 1997, the Rockefeller University Press.		
	93.			
	94.			
	95.			
	96.			

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